# Freedom of Information Act (FOIA) Fiscal Year (FY) 2013 Chief FOIA Officer report

I. **Steps Taken to Apply the Presumption of Openness**

Describe steps taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

Due to the small number of FOIA requests received by MCC, the agency has a small FOIA Office in which each member has been trained on the President's FOIA memorandum and the Attorney General's FOIA Guidelines in order to ensure a presumption of openness. MCC did not hold an agency FOIA conference during this reporting period. FOIA professionals attended FOIA training provided by the Department of Justice.

MCC has done all it can to apply the presumption of openness. Since the issuance of the new FOIA Guidelines, MCC has, when feasible, created documents in order to fully grant requests, instead of denying requests due a lack of records. For one FOIA request, MCC released documents not referenced in the request in order to put the other requested documents in context. MCC has not made any discretionary releases of otherwise exempt information. MCC's FOIA employees analyze each requested document for potential discretionary releases. However, most of MCC's denials involve situations where no records exist. Others involve propriety information. MCC has released all information it possibly can in accordance with the FOIA and the policy of openness.

II. **Steps Taken to Ensure that Your Agency has an Effective System for Responding to Requests**

Describe steps taken to ensure that your agency system for responding to requests is effective and efficient.

MCC's FOIA Office maintains a database to track and facilitate effective and efficient responses to all requests. MCC's FOIA Office works with the IT department to ensure the FOIA Office's support requirements are met. The FOIA Office has received sufficient support to maintain and efficiently utilize the database. The database is a valuable resource to help MCC's FOIA Office enforce internal deadlines for documents so that the FOIA

Office can meet the 20 business day statutory response requirement.

MCC's FOIA professionals do interact with the Open Government Team.  Since MCC is small agency, less than 300 employees, there is a natural synergy on FOIA and open government issues.  MCC posts to its public website almost every piece of information related to our compact and threshold programs, including data showing the results of our programs.

MCC has an attorney who acts as the Chief FOIA Officer and an administrative staff member that manage the FOIA program as part of their duties.  The two interact regularly on each FOIA request.  Due to the small number of FOIA requests MCC receives, this staffing arrangement is more than adequate.

III.  **Steps Taken to Increase Proactive Disclosures**

Describe steps taken to increase the amount of material that is available on your agency website, and the usability of such information, including providing examples of proactive disclosures.

MCC as an agency strives to operate as transparently as possible.  MCC voluntarily posts a large number of legal agreements, including compacts and threshold program documents, guidance papers and relevant business information on its website.  MCC's FOIA Office continues to add information of interest to the Reading Room portion of the website, for example, MCC's Selection Criteria and Methodology Reports and information related to the results achieved by our programs.

MCC made improvements to the transparency of its country selection process this year by making the selection policy data available through an application programming interface so that application developers and others working on on-line data applications are able to pull MCC data directly into their applications.  MCC's Fiscal Year 2013 Criteria and Methodology Report clarified the categories and also pointed readers to available on-line reporting.  The description of the indicators in the report mirrors the description of the categories of information that MCC considers when making selection decisions with regard to first compact implementation.  Links are now provided to the country reports that are already publicly available, and centralized so all the information can be found in one place.

MCC is also using social media to inform the public about what MCC is doing around the world.  Every time MCC enters into a new grant agreement the agreement is immediately posted to our public web site.  MCC also publishes country fact sheets quarterly to give up to date information on each of our programs.  MCC publishes a "Principles into Practice" series of reports to which the public can subscribe through the website.

IV.  **Steps Taken to Greater Utilize Technology**

1. **Can FOIA requests be made electronically to your agency?**

   Yes, FOIA requests can be made via email to foia@mcc.gov.

2. **If your agency processes requests on a decentralized basis, do all components of your agency receive requests electronically?**

   MCC does not process requests on a decentralized basis.

3. **Can a FOIA requester track the status of his/her request electronically?**

   No, a FOIA requester cannot track the status of his/her request electronically.

4. **If so, describe the information that is provided to the requester through the tracking system.**

   MCC does not have a system in place for requestors to track the status of requests electronically.

5. **In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?**

   MCC does not have a system in place for requestors to track the status of requests electronically.

6. **If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?**

   MCC is not taking steps to establish this capability.  MCC receives less than 30 requests per fiscal year and communicates the status of the request directly with the requestor if it cannot be answered within the 20 day statutory deadline.

7. **Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?**

   MCC is a small agency and receives less than 30 requests per fiscal year and does not find it is necessary to utilize more advanced technology at this time.

8. **If so, describe the technological improvements being made.**

   See answer to 7 above.

V.  **Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs.**

MCC does not utilize a separate track for simple requests.  MCC's average number of days to process non-expedited requests is fewer than twenty working days.

MCC did not have a backlog of requests or administrative appeals at the close of FY 2011 or FY 2012.  MCC did not have any requests or administrative appeals pending at the end of FY 2011.

VI.  **Number of times agency used a statutory exclusion during Fiscal Year 2012**

MCC did not invoke a statutory exclusion in FY 2012.

VII.  **Spotlight on Success**

MCC prides itself on the transparency of its programs.  Not only are all of our compacts and threshold programs listed on our public website, but we also include the results of those programs as they progress.  Almost every part of our programs is available to the public without the need to submit a FOIA request.  We are continually looking for ways to increase this transparency and post more comprehensive information about our programs.  This year MCC made improvements to the transparency of its country selection process this year by making the selection policy data available through an application programming interface so that application developers and others working on on-line data applications are able to pull MCC data directly into their applications.  MCC's Fiscal Year 2013 Criteria and Methodology Report clarified the categories and also pointed readers to available on-line reporting.  The description of the indicators in the report mirrors the description of the categories of information that MCC considers when making selection decisions with regard to first compact implementation.  Links are now provided to the country reports that are already publicly available, and centralized so all the information can be found in one place.